

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

JOHN HENRY RAY,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. 1:06-CV-153 TS
v.	)	
	)	
KEVIN PAULEY, <i>et al.</i>	)	
	)	
Defendants.	)	

OPINION AND ORDER

John Henry Ray, a *pro se* prisoner, submitted a letter requesting an order to obtain documents from the Grant Superior Court Clerk. The documents he is requesting, a docket sheet and the affidavit of probable cause are public records which do not require a subpoena. Furthermore, he has already obtained those documents because he attached them to his request. Though he disagrees with what they say and who signed them, they are what they are and a subpoena will neither cause them to change nor obtain different ones. Indeed, Mr. Ray states, "it is my belief Lt. Kevin Pauley never signed a Affidavit for Probable Cause . . . ." Letter at 1, docket # 24.

Finally, the attached documents are not relevant to this proceeding. Mr. Ray is proceeding on but a single claim. As the court explained in its screening order:

At this stage of the proceedings, the Court will allow the Plaintiff to proceed on his Fourth Amendment claim that he was unlawfully detained by Lt. Pauley for the ten to fifteen minutes, while the officers searched the vicinity of the accident. The Complaint does not reveal any grounds for either a *Terry* stop or an arrest.

Docket # 11 at 2. Mr. Ray's trial, conviction, and sentence are not at issue here; nothing in this proceeding will alter his conviction in any way. Indeed, if that were possible, this lawsuit would be barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), which prohibits civil litigation that would undermine a criminal conviction. Because Mr. Ray's sole claim is limited to the allegedly unlawful

arrest which occurred during those ten to fifteen minutes, documents from his criminal proceeding are only relevant to the extent that they address whether the arresting officer had probable cause to detain him for those few minutes.

For the foregoing reasons, the request (docket # 24) is **DENIED**.

SO ORDERED on October 30, 2006.

S/ROGER B. COSBEY

Roger Cosbey

United States Magistrate Judge